

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SUSAN J. BALDWIN,

Plaintiff,

v.

GODDARD RIVERSIDE COMMUNITY CENTER,

Defendant.

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) **Case #: 11 CIV 7591**
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) J. Paul G. Gardephe (PG)
) M.J. Henry Pitman (HP)
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) ECF CASE
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**AFFIRMATION IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

JOSHUA BERNSTEIN, deposes and says under penalty of perjury:

1. I am an attorney at law duly admitted and a member in good standing before the courts of the State of New York and the United States District Court for the Northern District of New York.
2. I represent Plaintiff Susan J. Baldwin in this matter, and, as such, am familiar with the facts and proceedings in this action.
3. I submit this affirmation in opposition to Defendant's Motion for Summary Judgment, and to put before the Court the relevant pleadings, documents and deposition transcripts in this action.
4. A true and accurate copy of the Amended Complaint in this matter is attached hereto as Exhibit 1.
5. A true and accurate copy of the organizational chart of Defendant Goddard Riverside Community Center ("Goddard") is attached hereto as Exhibit 2.

6. A true and accurate copy of excerpts from the deposition of Catherine Herman in this matter is attached hereto as Exhibit 3.

7. A true and accurate copy of the Affidavit of Mercedes Rankin is attached hereto as Exhibit 4.

8. A true and accurate copy of a document drafted by Goddard's insurance agent purporting to summarize such agent's interview with Susan J. Baldwin ("Mrs. Baldwin") in connection with the lawsuit of Jose Robles ("Mr. Robles") is attached hereto as Exhibit 5.

9. A true and accurate copy of excerpts from the deposition of Mrs. Baldwin in this matter is annexed hereto as Exhibit 6.

10. A true and accurate copy of Mrs. Baldwin's rebuttal to Goddard's insurance agent's document purporting to summarize such agent's interview with Mrs. Baldwin is attached hereto as Exhibit 7.

11. A true and accurate copy of the Affidavit of Susan J. Baldwin in this matter is attached hereto as Exhibit 8.

12. A true and accurate copy of an Email from Susan J. Baldwin to Catherine Herman on January 20, 2010 explaining that Goddard needs to keep access to the old software system because that's where all the information is is attached hereto as Exhibit 9.

13. A true and accurate copy of the HUD Summer 2009 Review Front Page is attached hereto as Exhibit 10.

14. A true and accurate copy of Susan Baldwin's January 24, 2011 "Termination Grievance" letter is attached hereto as Exhibit 11.

15. A true and accurate copy of Emails between Catherine Herman and Susan Baldwin of June 14, 2010 wherein Mrs. Baldwin, in reference to Grenadier staff coming to assist with the 2010 HUD review states “Witness what happened last year when the files were torn apart, and many of these documents were missing or were not up to date”, and in another email, Catherine Herman, in reference to Grenadier submitting the formal response to the review in 2010 states “Susan – It’s in their contract – they should have been doing this last year but were completely unhelpful as we know” is attached hereto as Exhibit 12.

16. A true and accurate copy of excerpts from the deposition of Salvador Uy are attached hereto as Exhibit 13.

17. A true and accurate copy of an email from Salvador Uy to Stephan Russo and Eric Rosenfeld on February 22, 2009, indicating that Defendant will be “moving Susan sooner or later” is attached hereto as Exhibit 14. Defendant withheld this document as privileged, and was later forced to produce it by court order.

18. A true and accurate copy of the letter terminating Susan Baldwin is attached hereto as Exhibit 15.

19. A true and accurate copy of excerpts from the deposition of Stephan Russo in this lawsuit are attached hereto as Exhibit 16.

20. A true and accurate copy of a series of emails between Catherine Herman and Susan Baldwin on February 10, 2009 discussing transferring Mrs. Baldwin’s leasing duties to Grenadier is attached hereto as Exhibit 17.

21. A true and accurate copy of an email from Catherine Herman to Susan Baldwin on February 10, 2009 discussing transferring management duties is attached hereto as Exhibit 18.
22. A true and accurate copy of an email from Catherine Herman to Susan Baldwin on March 25, 2009 re: adjusting to Grenadier and an elevator vendor showing up announced at Phelps House is attached hereto as Exhibit 19.
23. A true and accurate copy of excerpts from Mrs. Baldwin's deposition in Jose Robles's lawsuit against Goddard is attached hereto as Exhibit 20.
24. A true and accurate copy of the Affidavit of Arthur Sheppard is attached hereto as Exhibit 21.
25. A true and accurate copy of an email from Susan Baldwin to Grenadier staff and Catherine Herman on July 14, 2009 re: "Please keep me in the loop. After all, I am the building manager" is attached hereto as Exhibit 22.
26. A true and accurate copy of emails between Grenadier staff and Susan Baldwin's superiors (but not including Mrs. Baldwin) re: not following Mrs. Baldwin's suggestion for HUD compliance inspection staffing on July 23, 2009 is attached hereto as Exhibit 23.
27. A true and accurate copy of a handwritten note from Catherine Herman to Susan Baldwin on October 20, 2009 re: transferring Susan Baldwin's "POS acquisitions and ordering" duties to Mercedes Rankin and an email from Catherine Herman to Susan Baldwin re: the same on November 12, 2009 is attached hereto as Exhibit 24.

28. A true and accurate copy of email between Catherine Herman and Susan Baldwin from December 2009-January 2010 re: transferring generation of Tenant Income Certifications from Susan Baldwin to Grenadier is attached hereto as Exhibit 25.

29. A true and accurate copy of an email from Catherine Herman to Salvador Uy on March 18, 2010 re: hope these aren't duplicates is annexed hereto as Exhibit 26.

30. A true and accurate email from Catherine Herman to Susan Baldwin on June 14, 2010 re: Grenadier is taking over submission of the formal response to the HUD MOR review even though all the work for the response as already done is annexed hereto as Exhibit 27.

31. A true and accurate copy of an email from Grenadier to Goddard of 12/10/2010, justifying their higher fees because they have been sending an employee to Phelps House once a week since Mrs. Baldwin had been fired, Exhibit 28.

32. A true and accurate copy of Defendant's Statement of Material Facts Not in Dispute is attached hereto as Exhibit 29.

33. A true and accurate copy of Defendant's Responses and Objections to Plaintiff's First Request for Admissions is attached hereto as Exhibit 30.

34. A true and accurate copy of a document drafted by Catherine Herman dated September 13, 2010, addressed to Salvador Uy, "recommending" Susan Baldwin's termination is attached hereto as Exhibit 31.

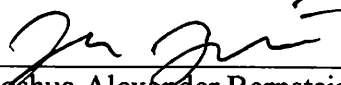
35. A true and accurate copy of Defendant's privilege log in this matter is attached hereto as Exhibit 32.

36. A true and accurate copy of a letter from Salvator Uy to Susan Baldwin dated January 20, 2011, listing the documentation supposedly justifying Susan Baldwin's termination is attached hereto as Exhibit 33.

37. A true and accurate copy of emails concerning bed bug preparation and exterminations vendors in the fall of 2010 are attached hereto as Exhibit 34.

Dated: March 22, 2013

Josh Bernstein, P.C.
Counsel for Plaintiff

By: 
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